

# Responses to Advisory Committee – Warrant Article Questionnaire

<b>Goals &amp; Benefits (Briefly, or send a separate file):</b>	
<p>a. What is the intended policy goal of the proposed Warrant Article?</p>	<p>The goal of this By-Law amendment is to ensure year-round, minimally interrupted access to public sidewalks for all pedestrians, by requiring that both residential and commercial area sidewalks are promptly and adequately cleared following a storm. The updated fine structure better incentivizes property owner compliance; shortens overly long compliance periods to comport with the New England daily freeze-thaw cycle (thereby avoiding “frozen-in-place” obstructions that persist for days and weeks); and makes it clear that providing access to curb cuts at intersections and crosswalks is an essential component of sidewalk usability. See the warrant article Explanation for further details.</p>
<p>b. Why is this important for the Town?</p>	<p>Notwithstanding the By-Law update in 2015, resident complaints lodged via BrookOnline average 450 per year and are increasing year over year. Passable sidewalks for residents and visitors are consistent with the Town’s priorities for pedestrian safety, healthy transportation (walking, including to/from transit), Safe Routes to Schools, age-friendliness, and equity (ADA compliance, and mobility for those who cannot own/operate a motor vehicle).</p>
<p>c. Is this something that the Town should do, especially if there are State or Federal resources dedicated to the issue?</p>	<p>No non-municipal resources are available. The Town plows 42 miles of sidewalks near schools, parks and commercial centers in addition to those abutting Town property. Since Proposition 2 ½, and more recently due to the need to plow curb-to-curb prior to school start time to accommodate increased</p>

	<p>onstreet BPS teacher permit parking, the Town has been unable to take on more responsibility. This will continue for the foreseeable future, due to budgetary and workforce constraints.</p>
<p>d. How does the policy goal and the proposed action solve a problem? Does it provide a new benefit, or extend some existing benefit?</p>	<p>Currently, a substantial subset of Brookline residents – parents pushing strollers, schoolchildren, elderly or frail persons, commuters using MBTA or shuttle services, and wheelchair users– are effectively disenfranchised or endangered by being unable to safely use segments of the public sidewalk network for days or weeks after snowfalls. Commutes for Brookline’s essential workers (such as child care providers, in-home helpers, nursing home/personal care aides, and retail employees) who have no choice but to travel by public transit are lengthened and made much more treacherous by icy, bumpy, narrowed sidewalks for weeks at a time each winter. The existing By-Law is intended to prevent these hazards but consistently fails to do so, because the current incentive structure is inadequately motivating, and compliance periods are too long (i.e., the current 30-hour wait period for most residences allows for one or more overnight melt-freeze cycles).</p>
<p>e. Could Town staff or a Town Board or Committee address the issue effectively without action by Town Meeting?</p>	<p>No. DPW has made it clear that they cannot, under foreseeable budgetary, staffing, workload and hiring constraints, take on plowing any more of Brookline’s 149 miles of sidewalks and 2,000 curb ramps. Policy and educational approaches alone cannot adequately motivate where individuals’ personal interests in saving money (on for-hire snow removal) and time (needing to clear the sidewalk at inconvenient times, or to make arrangements for others to do so) are strong. Standards and incentives in the existing bylaw have failed to ensure access for vulnerable users of the public walkways, in particular in residential areas where 1-4 unit properties predominate.</p>

<b>General questions</b>	
a. Why is the proposed solution workable and effective?	The amendments build upon and strengthen an existing framework without calling for drastic changes in practices and responsibilities.
b. Is there a financial benefit from the proposed solution?	Neutral.
c. Who will benefit and who might not benefit from the proposed action?	A wide variety of residents who need or want to walk through neighborhoods in the winter, the frailest or most mobility-challenged of whom otherwise become “shut-ins,” will benefit. Residents who currently do not hire individuals or companies to clear snow, because they can get around to and manage the task themselves within the 30-hour window, may have to spend money or trade favors with neighbors to get the job done sooner.
d. What are the perceived pros and cons, both in the short and long term?	Support of this WA and compliance with the amended bylaw, as it exists and as amended, requires property owners to look beyond their personal interests and wishful thinking, toward improving community conditions.
e. What research on the topic supports or does not support the proposed article?	<p>“Exploring Winter Community Participation Among Wheelchair Users”  <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4732417/">(https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4732417/)</a></p> <p>“Unshovelled sidewalks isolate people with disabilities, accessibility consultant says”  <a href="https://www.cbc.ca/news/canada/british-columbia/snow-clearing-disabilities-1.6306449"> (https://www.cbc.ca/news/canada/british-columbia/snow-clearing-disabilities-1.6306449)</a></p> <p>“Snow-covered sidewalks create mobility barriers for seniors, people with disabilities”  <a href="https://www.ideastream.org/news/snow-covered-sidewalks-create-mobility-barriers-for-seniors-people-with-disabilities"> (https://www.ideastream.org/news/snow-covered-sidewalks-create-mobility-barriers-for-seniors-people-with-disabilities)</a></p>

	<p>“Clear Curb Cuts - Meet Amy”  <a href="https://walkboston.org/what-we-do/snow/">https://walkboston.org/what-we-do/snow/</a></p>
<p>f. What alternatives to the proposed action were considered?</p>	<p>The current bylaw has been in effect for seven years now and has not solved the problem. DPW managers presented with this proposed amendment have voiced support for it, and made it clear that the Town cannot entertain taking on clearing additional sidewalk miles. Ideally, the deadline for removing snow from sidewalks and curb cuts should be by the time children are walking to or home from school (depending on when the storm ends), but a six-hour window was chosen as more manageable for single- and two-family dwellings where responsibility cannot be as easily shared among households.</p>
<p><b>Impacts</b></p>	
<p>Consider the impact on...</p>	<ul style="list-style-type: none"> <li>● Town infrastructure: The existing bylaw already requires enforcement by the DPW.</li> <li>● Residents: Residents who currently tend to delay shoveling (until 1-2 melt-freeze cycles have taken place, and the snow is packed solid) will need to make arrangements for their sidewalks to be cleared for pedestrians in a more timely manner. Several options exist to help with this. <ul style="list-style-type: none"> <li>○ The majority of residents will simply prioritize clearing their sidewalks themselves in a more timely way. During a high-volume or long-duration storm, this may require more than one episode of shoveling.</li> <li>○ Some residents may choose to hire someone else to clear their sidewalks in a timely manner. For example, the Recreation Department’s “Shovel Our Snow” program connects local teens with residents who will pay them a reasonable fee for shoveling before and after school – or during the day, if</li> </ul> </li> </ul>

	<p>school is canceled after a storm.</p> <ul style="list-style-type: none"><li>○ A minority of residents who are physically or financially unable to do the work themselves may ask friends, family or neighbors to help, or they may register with a program that connects them with volunteers who will assist free of charge.</li><li>○ Residents in properties with an owners' association may choose to hire someone (or a service) to clear their sidewalks.</li><li>○ Residents (especially those in multi-unit buildings or row homes) may choose to cooperate to either come up with a rota of resident shovelers, or to hire someone to clear shared lengths of sidewalk in a timely manner. Those who organize a rota may decide to acquire and share a snow-blower.</li><li>○ According to our research, snow removal companies sometimes charge hefty fees, particularly for those who have not made advance arrangements (\$180-350 per storm, depending on many factors including length or area to be cleared), but local teens and other individuals are much more reasonable (e.g., \$60 per storm for an adult, or \$20 per hour for a middle/high school student).</li></ul> <ul style="list-style-type: none"><li>● The environment: Sidewalks that are cleared of snow require less treatment with salt and other types of snow melt, which can harm adjacent vegetation, dogs' paws, and water quality.</li><li>● Employers: Local businesses and institutions will certainly benefit from the Town having accessible sidewalks everywhere and for everyone, enabling staff, shoppers and clients to access stores and services sooner and more easily after each storm. Refer to BrooklineCAN's "Monitoring sidewalks in commercial areas after</li></ul>
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	<p>winter storms” campaign:  <a href="https://www.brooklinecan.org/livable_community.html">https://www.brooklinecan.org/livable_community.html</a></p> <ul style="list-style-type: none"> <li>• Others: Local teens and freelance shovelers will benefit from increased income, as more residents hire them to help keep their sidewalks clear for pedestrians in a more timely manner.</li> <li>• The primary beneficiary of this WA, of course, is the Town’s many, many users of the public sidewalks—especially those with wheelchairs, strollers, canes, other mobility devices, medical conditions, visual problems that make stumbling over unexpected barriers more likely, or frailty. Under current conditions, countless people are forced to stay home as “shut-ins” for days or even weeks each winter, putting them at severe risk of isolation and other dangers. See the response to (e.) Under “General Questions,” above.</li> </ul>
<p>Are there potential adverse effects from positive action on the article by Town Meeting?</p>	<p>Town staff in the departments currently tasked with ensuring compliance with the snow removal By-Law (DPW, Public Health, Police, and Building) would likely need to field calls and consider appeals from property owners who receive citations. If responsibility to enforce could be consolidated (say, to the Police Dept, for implementation by parking control officers, who already issue tickets for vehicles improperly parked during snow emergencies), this burden could be reduced and streamlined.</p>
<p>Consider town priorities and allocation of funding.</p> <ul style="list-style-type: none"> <li>• What amount of funding might be required to start and maintain the proposed action?</li> </ul>	<p>No funding is required, and there is no impact on capital or operating budgets.</p> <p>Currently, the Town collects roughly \$1,000 per year in snow removal fines. In the short term, raising fine levels as proposed could increase the Town’s income</p>

<ul style="list-style-type: none"> <li>• What is the source of those funds?</li> <li>• How does the proposed article fit within the operating and/or capital budgets?</li> </ul>	<p>by a few thousand dollars per year. If inspections and enforcement were streamlined by consolidating responsibility with parking control officers as described just above, more fines might be assessed. However, we expect that experience and education will increase compliance, and render any significant revenue increase temporary.</p>
<p>How does the proposed article and implementation impact the Town administration and staff priorities? Will a department either need to divert staff from an existing program, subcontract the work or add staff?</p>	<p>The existing bylaw already requires enforcement by the Town, so no additional burden on staff is anticipated. In fact, with more effective snow clearing by property owners who comply with the amended By-Law, fewer residents will complain about impassable sidewalks to DPW, and DPW will be called out less often to create access along sidewalks and at curb cuts.</p>
<p>Who will be responsible for implementing the action that a favorable vote will require? Has the petitioner consulted with those participants?</p>	<p>DPW has the lead, and we have consulted with Commissioner Erin Galantine and Director of Highway &amp; Sanitation Kevin Johnson. Both said they have no objection to these proposed amendments, and voiced cautious optimism that they could be beneficial if accompanied by education, and if possible with a streamlined enforcement process. They expressed some concern that proposing the amendments would trigger a fresh call for DPW to plow more (or allo Town sidewalks, and offered a robust list of reasons why that is not possible. For many of the same reasons, it appears infeasible to address noncompliance by having DPW staff or contractors clear snow at the offending property, then charge the owner for it.</p>
<p><b>Community Outreach</b></p>	
<p>a. What steps has the petitioner taken to assure that interested parties were notified and provided an</p>	<p>We have consulted so far with:</p> <ul style="list-style-type: none"> <li>• Pedestrian Advisory Committee</li> <li>• Brookline CAN Livable Community Advocacy Committee</li> </ul>

<p>opportunity to participate in the preparation of the proposed article?</p>	<ul style="list-style-type: none"> <li>● DPW leadership</li> <li>● Commission on Disability</li> <li>● Town Meeting Member Listserv</li> </ul> <p>DPW Commissioner Galantine confirmed that should the bylaw pass, DPW would include information for the general public on the new requirements in their annual “Winter Guide” mailing to all Brookline addresses.</p>
<p>b. Are there are Town Boards or Committees that might be consulted?</p>	<p>We are scheduled to ask for endorsement from:</p> <ul style="list-style-type: none"> <li>● Commission on Disability (Oct 12)</li> <li>● Pedestrian Advisory Committee (Oct 13)</li> <li>● Transportation Board (Oct 19)</li> <li>● Brookline Safe Routes to Schools network (Oct 20)</li> <li>● Select Board (TBD)</li> </ul>
<p>c. If another board or committee has considered the action of the proposed article, please include a summary of the discussion and outcome.</p>	<p>All are pending.</p>
<p><b>Prior Articles</b></p>	
<p>Do you know whether Town Meeting previously considered any Warrant Articles that address the same or similar topic? If so, do you know what the outcome was?</p>	<p>The Snow Removal By-Law was last amended at May 2015 Town Meeting, primarily to increase fines. (Start at p. 220 of <a href="https://www.brooklinema.gov/DocumentCenter/View/7589/May-26-2015-Annual-Town-Meeting-Combined-Reports-With-Supplements-PDF">https://www.brooklinema.gov/DocumentCenter/View/7589/May-26-2015-Annual-Town-Meeting-Combined-Reports-With-Supplements-PDF</a>) To our knowledge, no Warrant Articles have been considered since 2015 until the present time.</p>
<p>How does the proposed article differ from ones that were previously considered?</p>	<p>Modifies the duration of compliance periods, definition of “multi-family” category, and fine amounts, and clarifies that the sidewalk network includes curb cuts that enable pedestrians to cross the street.</p>

<p>Is there new information or are there new circumstances to support raising an issue that was previously considered by Town Meeting?</p>	<p>Analysis of BrookOnline data on snow clearance complaints by members of the public is now available and has been analyzed by the Pedestrian Advisory Committee. In July 2021, the Committee submitted a report on this data and a set of recommendations entitled “<a href="#">Brookline sidewalk snow removal policies</a>” to the Transportation Board.</p>
<p><b>Other Information</b></p>	
<p>Anything else you would like the subcommittee to know?</p>	<p>Only that we’re not doing this for fun, nor do we think that dealing with snow and the rest of winter’s rigors is easy. We’re in this because we care deeply about the quality and accessibility of Brookline’s shared public resources, and the safety of our residents as pedestrians. This WA intends to strengthen and more fairly apportion the responsibility we all share in preserving these public goods.</p>